

**CITY OF MILPITAS
UNAPPROVED**

PLANNING COMMISSION MINUTES

February 8, 2006

**I.
PLEDGE OF
ALLEGIANCE**

Chair Williams called the meeting to order at 7:00 P.M. and led the Pledge of Allegiance.

**II.
ROLL CALL**

Present: Ali-Santosa, Azevedo, Ciardella, Galang, Mandal and Williams
Late: Tabladillo (arrived at 7:28 p.m.)
Staff: Bejines, Carrington, Duncan, Khaila, Maxwell, Pio Roda, and Williams

**III.
PUBLIC FORUM**

Chair Williams invited members of the audience to address the Commission on any topic not on the agenda, noting that no response is required from the staff or Commission, but that the Commission may choose to agendize the matter for a future meeting.

There were no speakers from the audience.

**IV.
APPROVAL OF MINUTES
January 25, 2006.**

Chair Williams called for approval of the minutes of the Planning Commission meeting of January 25, 2006.

Commissioner Ciardella noted that four Commissioners abstained on the December 14th minutes but approved the January 11, 2006 minutes.

Motion to approve the January 25, 2006 minutes with the corrections.

M/S: Mandal/Azevedo

AYES: 6

NOES: 0

**V.
ANNOUNCEMENTS**

Tom Williams, Planning and Neighborhood Services Director, announced that the League of California Cities Planners Institute will be held in Monterey this year from March 22-March 24, 2006 and the deadline to register is February 28th and noted he has budgeted to pay the tuition for three Planning Commissioners. He also announced that Form 700's are due to staff by March 15th and the Commission needs to turn in their emergency contact forms to the Human Resources department. He also pointed out that the Commission has a number of handouts at their desk, which include a guide to Parliamentary procedures, conflict of interest maps, updated Commission Directory and a copy of the City Council handbook that was requested at a previous meeting.

Commissioner Mandal said he attended the Planners Institute last year and encouraged the new Commissioners to attend.

Chair Williams announced that he is considering a joint session with Planning Commission and City Council and asked the Commission to e-mail staff some possible agenda items by February 17th.

**VI.
CONFLICT
OF INTEREST**

Chair Williams asked if the Commission has any conflict of interest on tonight's agenda.

There were no Commissioners that identified a conflict of interest.

**VII.
APPROVAL OF
AGENDA**

Chair Williams called for approval of the agenda.

Staff had no changes to the agenda.

Motion to approve the agenda.

M/S: Galang/Mandal

AYES: 6

NOES: 0

**VIII.
CONSENT CALENDAR**

Chair Williams asked whether staff, the Commission, or anyone in the audience wished to remove or add any items to the consent calendar.

There were no consent items to be considered tonight.

**IX.
PUBLIC HEARING**

**1.
MAJOR TENTATIVE
PARCEL MAP NO.
MA2005-8**

Kim Duncan, Junior Planner, presented a request for a major tentative parcel map to convert one industrial building to thirty-two (32) condominium units for individual ownership, located at 1551 McCarthy Boulevard and recommended approval with conditions.

Commissioner Ciardella noted that there were five handicap parking spaces at the site and asked how does the City distribute handicap parking spaces for a condominium conversion. Ms. Duncan explained that when an applicant submits plans to the Planning Division, the Building Division will review for the minimum requirements for ADA compliance and the applicant will be subject to the requirements.

Commissioner Ciardella said he was concerned because all of the five handicap spaces were right in front of the building. Ms. Duncan said that there are new requirements for ADA in regards to access, and they are to be located near the entrances of the building.

Chair Williams added that it is very premature to talk about parking since the Commission is only reviewing a request to change the parcel map and not tenant improvements.

Commissioner Mandal asked what has been the demand for converting industrial buildings into condominium units. Mr. Williams replied that the City is seeing more of a market demand for these types of complexes. In speaking with building owners, leasing agents and commercial brokers, they are indicating the size of a business is shrinking, and the type of business model is changing, and being able to provide smaller office spaces in a ownership is a kind of change to meet the business plan objectives of these smaller businesses in the Silicon Valley. This is the fifth project that staff has seen over the last year that is an R&D building that is subdividing to condominium tenant spaces, and is not just exclusive to Milpitas but Fremont, Sunnyvale and San Jose is seeing this type of conversion.

Commissioner Mandal said that he works in the high tech industry and they are seeing business downsizing while research and development is staying put and manufacturing is being outsourced. He noted that he is in support of the project.

Chair Williams felt that a change of business is a good thing. He is happy that Cisco is growing and has a big campus on Milpitas, making it an opportunity for re-growth, however there is always a concern of prevailing winds at offices that are near a manufacturing company so he wanted to make sure that staff took the necessary precautions to make sure that business owners and residents are safe.

Chair Williams invited the applicant to speak.

Ron Reese, Engineer Architect for Balch Enterprises in Hayward, thanked staff for their report and responsiveness and noted that he is in concurrence with staff's recommendations and conditions of approval.

Commissioner Mandal asked if they have developed this type of condominium units in other parts of the Bay Area. Mr. Reese said that most of their condominium projects have been more industrial oriented while some similar projects are located in Hayward, Union City, Livermore and Pleasanton.

Steve Fisher, Leasing Agent, 225 West Santa Clara Street, San Jose, explained that there are changes in the marketplace and over time, he has been seeing more of an industrial market and the office side of things driving the marketplace. Manufacturing companies are now outsourcing their products and downsizing to office space. Balch has a lot of experience and approaches this on a flexible arrangement such as a lease situation, or a lease with an option. It is very different than some of the other condominium projects in the Valley that are purely for sale opportunities.

Commissioner Mandal asked who would be responsible for ongoing maintenance of the building, especially dealing with multiple tenants. Mr. Fisher said that Balch has a lot of experience on how to handle the arrangement between ownership to make sure it is handled properly, and added that over the years, they have been able to fine tune their CC&R's.

Chair Williams opened the public hearing.

There were no speakers in the audience.

Motion to close the public hearing.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

Regarding Commissioner Ciardella's earlier question about handicap parking spaces, Mr. Williams explained that condition No. 4 states the following:

4. *Prior to recordation of the Parcel Map, the applicant shall submit to the City a parking lot restriping plan for Planning Division review and approval. (P)*

He explained the City's zoning and parking ordinance does not specify the distribution of disabled parking spaces throughout the parking lot, but through the Building permit process and condition no. 4, staff attempts to distribute disabled parking around the parking lot. There is convenient access for disabled parking in specific locations of the building, but there is nothing specific that regulates that in the parking ordinance.

Motion to approve Major Tentative Parcel Map No. MA2005-8 with all of staff's special conditions and findings noted in the staff report.

M/S: Mandal/Ciardella

AYES: 6

NOES: 0

Close the public hearing

2.
USE PERMIT NO.
UP2006-1 AND "S" ZONE
NO. SZ2006-1

Cindy Maxwell, Project Planner, presented a request to construct and operate an auto dealership (Piercey Toyota) on ten acres at 950 Thompson Court, northeast quadrant of Great Mall Parkway and I-880, and recommend approval with conditions to City Council.

Commissioner Tabladillo arrived at 7:28 p.m.

Commissioner Mandal asked if Piercey Toyota is located in San Jose on 1st street and Ms. Maxwell said yes.

Commissioner Mandal asked if the architect has taken advantage of any solar power to support their energy needs and the architect said no.

Chair Williams noted that the project area is next to a wasteland and asked what would be the elevation of the parking lot. Ms. Maxwell said the applicant is working closely with City engineers to meet design requirements taken from a Hydrology Study that resulted from an environmental impact report. The requirements will not only affect the parking lot but the elevation of the building as well.

Chair Williams is concerned about Elmwood being right next door and asked if there will be any screening. Ms. Maxwell pointed out that there will be street trees on both side of Thompson Court and the street will improve dramatically.

Mr. Williams added that Thompson Court is part of the improvement project from KB homes. There will be Sycamore trees along Thompson Court, however there will be no screening wall. He recalled that as a condition of approval for the residential portion of the Elmwood project, the new street between Thompson and Abel called Machado, there is an 18 foot screen wall to block Elmwood from the residential, however on this portion, it will only be street trees and landscaping.

Commissioner Tabladillo asked if the storm water control plan is similar to Pacific Commons in terms of the water collection of the storm waters. Mr. Williams said that this project needs to meet C.3 requirements and their devices such as a bio swale, drainage plan and filtration devices are all compliant with C.3 provisions. The project is similar to that of Pacific Commons because they will have an on site bio swale, especially along the western portion of the project, closer to I-880.

Commissioner Tabladillo inquired about the wetland area and Mr. Williams explained that it is a designated wetland and this project is prohibited from encroaching into the wetland area.

Commissioner Tabladillo asked who is responsible for striping the bike lines. **Mehdi Khaila, Principal Civil Engineer**, said that he is not sure if there will be bike lanes or not, and if there is, KB Homes would be responsible for the striping.

Commissioner Tabladillo had a question regarding condition no. 19f that reads below and suggested that staff put the phone number online:

19f. Prior to issuance of a building permit, designate a noise disturbance coordinator who will be responsible for responding to any local complaints about construction noise. During construction, the coordinator will determine the cause of the noise complaints and institute reasonable measures to correct the problem. Maintain during all construction a conspicuously posted telephone number for the public to call the coordinator at the construction site.

Mr. Williams agreed to put the phone number on the City's website.

Chair Williams invited the applicant to come forward.

Kai Giffin, Piercey Toyota Project Manager, pointed out that this will be the largest Toyota dealership in the world and they are very happy to be coming to Milpitas. Currently Toyota is the 12th highest in the world because of fleet sales and car rentals and they would like to grow to the 6th highest. He felt that this location would be the magnet for the other two parcels.

Commissioner Mandal asked if Piercey would be keeping their 1st street dealership. Mr. Giffin said Piercey is exploring other options because initially San Jose wanted them out, however now their vision has changed. Piercey does not want to give up the lease there however they will be selling Honda's and Acura's, not Toyota's.

Chair Williams asked if Piercey has any plans to have illuminated graphic signs. Mr. Giffin said that he would be thrilled if the City would allow Piercey to display such a sign however he needs to work with staff to see what types of signs are allowed.

Chair Williams felt that staff needs to work with Piercey Toyota to develop a sign program.

Commissioner Mandal reiterated what the Chair was saying about being proactive and is glad that Piercey is very proud of their product and that they want to have a good partnership with the City.

Chair Williams opened the public hearing.

There were no speakers from the audience.

Close the public hearing

Motion to close the public hearing.

M/S: Mandal/Galang

AYES: 7

NOES: 0

Commissioner Tabladillo reiterated that she wants to make sure as this project moves forward it will little impact to surrounding neighborhoods and if neighbors do have complaints, they can easily access the information on the web.

Regarding Condition No. 9 that reads below, Commissioner Ciardella suggested adding a special moisture sensor condition that shuts the sprinklers off if it is raining.

9. *Landscaping: Prior to issuance of building permit, plans shall show that all planter areas have an automatic, self-watering system installed. All planter areas shall be serviced by a sprinkler head or drip system. (P)*

The applicant concurred with that condition.

Motion to recommend to Council to approve Use Permit No. UP2006-1 and "S" ZONE NO. SZ2006-1 with all of staff's special conditions and findings in the staff report as well as modified condition. No. 9.

M/S: Azevedo/Tabladillo

AYES: 7

NOES: 0

X.
ADJOURNMENT

The meeting was adjourned at 8:09 p.m. to the next regular meeting of February 22, 2006.

Respectfully Submitted,

Tom Williams
Planning and Neighborhood Services
Director

Veronica Bejines
Recording Secretary